

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA 206 AUG 22 PM 12:23

DUBLIN DIVISION

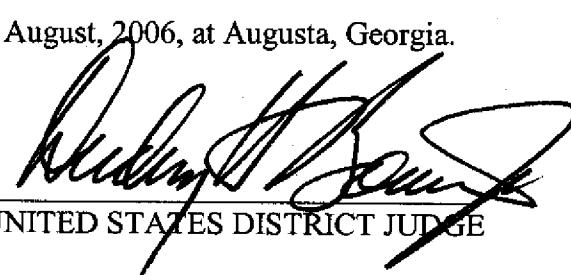
CLERK *L. Lebedew*
SO. DIST. OF GA.

KELVIS RAFAEL AVILA PENA,)
Petitioner,)
v.) CV 306-057
MICHAEL PUGH, Warden,)
Respondent.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, this case is **DISMISSED** without prejudice.

SO ORDERED this 22nd day of August, 2006, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE